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## MENANDER'S *ARBITRANTS*<sup>1</sup>

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The *Ἐπιτρέποντες*, or *Arbitrants*, was one of Menander's comedies which was given the highest praise in antiquity, and we may congratulate ourselves that the sands of Egypt have now yielded up to us a large part of it—upward of 600 out of 1,100 verses. The name-part, the parley between two slaves, is almost entirely preserved, and is translated below. A little imagination will show how effective it might be made on the stage. It constitutes a part of the second act, the first act being lost. The following synopsis will aid in appreciating the setting, though this second act is somewhat loosely connected with the rest of the play.

Some ten months before the play opens, a young man, Charisius, had wronged a girl at the festival of Tauropolia, without learning her identity. Four months later he was married to the same girl, and after five months she, in his absence, bore a child, which was promptly exposed. The secret is divulged to Charisius by his meddlesome slave, Onesimus, and Charisius, who still loves his wife and is unwilling to send her from his house, turns to a courtesan, Habrotonon, to drown his sorrows. His reckless dissipation so exasperates his wife's miserly father, Smicrines—who knows nothing of his daughter's misfortune—that the old man insists that she divorce Charisius and demand the return of her dowry, his chief concern. The daughter, Pamphila, refuses. Meanwhile, the child has been found by a rustic slave, Davus, who has presented it to another slave, Syrisus, but without the trinkets found at the same time. Syrisus, learning later of the trinkets, demands them of Davus, and the two plead their cause before the surly Smicrines—the child's grandfather! Syrisus wins the verdict and the

<sup>1</sup> This article is a part of a paper read at the eighth annual meeting of the Classical Association of the Middle West and South, in Cincinnati, April 12, 1912. The text followed in the translation is, with a few changes, that of Capps's *Four Plays of Menander*.

trinkets, of which the most significant is a ring. This ring, in the sequel, is found to have been the property of Charisius, drawn from his finger by Pamphila at the time of her betrayal. Onesimus recognizes the ring, snatches it from Syrius, and delivers it to Habrotonon, who in turn reveals it to its original owner. Overhearing a chance conversation, Charisius learns of his wife's abiding love for him, and soon the entire truth. The greedy old Smicrines is flouted by Onesimus, and Charisius and Pamphila are again united.

When our fragment begins, Davus and Syrius are in the midst of their dispute over the trinkets.

## ACT II

### SCENE 1. SYRISCUS, DAVUS

*Syr.* You are trying to escape justice.

*Dav.* You slander me, you wretch.

*Syr.* You ought not to keep what is not yours. We must submit this to someone to arbitrate.

*Dav.* I am willing; let us be judged.

*Syr.* Who then . . . ?

*Dav.* Anyone at all suits me. (*Aside*) I am getting my deserts. Why on earth did I divide with you? (*Smicrines approaches, probably from his conversation with his daughter, Pamphila.*)

### SCENE 2. SYRISCUS, DAVUS, AND SMICRINES

*Syr.* Are you willing to take this man as our judge?

*Dav.* Bless you, so be it!

*Syr. (to Smicrines).* By the gods, good sir, can you spare a little time for us?

*Smic.* For you? What about?

*Syr.* We are having a dispute about a little matter.

*Smic.* Well, what is that to me?

*Syr.* We are looking for a judge, a fair judge. If nothing hinders you, decide our case.

*Smic.* You confounded rascals! You, fellows with skins on! You go about talking of lawsuits!

*Syr.* But yet—the matter is short and easy to understand, father—grant us the favor. Don't look down on us, by the gods. On all occasions justice ought everywhere to prevail; and the man who happens along must expect to take this rôle. Such is the common duty of all men in life.

*Dav.* Whew! I've grappled with quite an orator. Why on earth did I divide?

*Smic.* Will you both abide, then, by my decision? Tell me that.

*Syr.* Absolutely.

*Smic.* I'll listen. What's to hinder? (*To Davus*) You, the silent fellow, speak first.

*Dav.* A little while ago—not to speak merely of what has just happened, but that you may know clearly all the facts—in the woods near this place, I was tending flocks—say, thirty days ago, good sir—alone by myself, and I found a baby that had been exposed, wearing a necklace and some such ornament.

*Syr. (interrupts).* That's what it's about.

*Dav. (whining).* He wont let me speak.

*Smic.* If you interrupt again, I'll come down on you with my staff.

*Dav.* And rightly.

*Smic.* Speak on.

*Dav.* I will. I picked it up. I went back home with it. I was going to bring it up. That's what I had in mind then. That night, as one naturally would, I gave myself up to thinking the matter over from all sides. 'What do I want of baby-tending and all its woes? Where will I get the money to spend so much? Why should I take on me these cares?' That's the mood I was in. At dawn I was tending flocks again. This fellow came along—he's a charcoal-burner—to the same place to saw up some logs. I had met him before and we had a talk together. He saw that I was downcast, and, says he: "Why so thoughtful, Davus?" "Why, indeed?" says I; "I'm in trouble." And I tell him the whole story—how I found the child; how I picked it up. Then he, right off, before I was done, began to beg me. "Prosperity be with you!" says he at every word. "Give me the child. Good luck go with you! May you be free! I have a wife," says he. "She had a baby, and he died." Yonder's the woman he spoke of, with the baby.

*Smic. (to Syriscus).* Did you beg him like that?

*Syr.* Don't doubt it.

*Dav.* All day he nagged at me. He kept trying to persuade me with his oily tongue. I promised. I gave it. He set off, with a million prayers for me. He took my hands and kissed them.

*Smic.* Did you do that?

*Syr.* I did.

*Dav.* He cleared out. Now, with this wife of his, he demands the things exposed with the baby—little things they were, mere trifles, nothing—and he thinks he is terribly mistreated because I don't give them up to him but think best to keep them myself. He ought to be thankful, say I, for what he got when he begged me. If I don't give him everything, I ought not to be brought to account for it. If we had been walking together and found them and it had been a "Common Hermes," of course he would have taken part and I part. But I found them myself. Do you think that you, when you were not there at all, ought to have the whole and I nothing? I gave you part of my

property of my own accord. If you like it, keep it. If you don't like it and are sorry, give it back; and thus do me no harm and be no worse off yourself. But you ought not to have everything, part by gift, and part by forcing me. I have finished my plea.

*Syr. (cautious this time).* Has he finished?

*Smic.* Didn't you hear? He has finished.

*Syr.* Good. Then I'm next. He found the child himself, and all the story that he tells is true. That's the way it happened, father. I don't contradict him. I begged of him. I entreated him. I got this baby from him. For he tells the truth. A certain shepherd reported to me—a man he had talked to, one of his fellow-workers—that at the same time he found a certain ornament. To get that, father, the baby is here himself. (*Turns to his wife.*) Wife, give me the babe. He supplicates you, Davus, for his necklace and the tokens. He says that the ornament was exposed with him and is not your property. And I join him in supplicating you, I, the baby's lord at present—for such you made me by your gift. (*Returns the child to his wife.*)

Now you must decide this business, good sir, it seems to me. These gold-pieces, or whatever they are, ought they by the gift of his mother, whoever she was, be kept for the baby, till he grows up, or ought this sneak-thief to have them, just because he found them first, another's property? You ask why I didn't demand them from you when I took the child. At that time it wasn't in my power yet to speak in his behalf. And even now I have come not to plead my own cause but his. "Common Hermes!" Don't talk of "finding," when the case is about a person wronged. This is no "find"; it is theft. Look to this point too, father. Suppose this boy grows up in my house, and, though reared among laborers, soars above this rank. Up to his proper sphere he rises and dares to do some free deed—hunt lions, carry arms, run in the games. You have seen the tragic actors, I know, and you take this all in. Certain persons, Neleus and Pelias, were found by an old man, a goatherd dressed in skins like me. How he learned that they were his betters, the story tells—how he found, how he picked up, and how he gave them the wallet of tokens, from which they learned clearly all their own circumstances, and how the youths who then were herdsmen became kings. But if Davus had picked up the tokens and sold them, so as to gain a paltry twelve drachmas, the boys would have lived all their lives unconscious of their high estate, those stalwart men of so lofty birth. Surely, it is not well for me to rear the baby's body up and for Davus to take away and annihilate every hope of safety, father. By tokens a man was saved from wedding his sister; another man rescued his mother; a woman saved her brother. Life, which is naturally hazardous, father, must be maintained by foresight. This we have seen before from many examples. "But give back the baby, if you don't like it," says he. This, he thinks, has something to do with the case. It isn't fair. If you have to give back some of the child's property, do you expect to take him too; so that your

villainy may be safer another time in case luck has saved any of his possessions ? I have finished. Judge what you think just.

*Smic.* Well, that's an easy task. All that was exposed with the child is his. That I decide.

*Dav.* Good! And the baby ?

*Smic.* I shall not decide, by Zeus, that it belongs to one who now is doing it harm, but to the man who is bringing help and is opposing you when you are about to injure it.

*Syr.* May you have great prosperity!

*Dav.* Outrageous such a verdict, by Savior Zeus! All that I found myself is filched away from me and he who found nothing has all! Well, I won't give up.

*Smic.* I say you will.

*Dav.* Outrageous such a verdict, or may I be hanged!

*Syr.* Give up quick.

*Dav.* Heracles! What I have suffered!

*Syr.* Open up the wallet and show me. Yes, that's where you keep it. *(To Smicrines)* Wait a moment, sir, I beg you, till he disgorges.

*Dav.* Why on earth did I arbitrate ?

*Smic.* Oh, give it to him, blockhead.

*Dav.* Disgraceful, what I have suffered!

*Smic.* Got it all ?

*Syr.* I think so.

*Smic.* Unless he swallowed something while I was rendering the decision that caught him.

*Syr.* I don't think he would. But bless you, good sir. You are the kind all our judges ought to be. *(Exit Smicrines.)*

*Dav.* Villainous affair, by Heracles! Wasn't that verdict outrageous ?

*Syr.* Scoundrel you were.

*Dav.* Scoundrel yourself! See that you save all now for the baby and guard it securely. I'll watch you every moment. *(Exit Davus.)*

*Syr.* Groan and be off. You there, wife! Take these things in to our young master. We'll wait here now for Chaerestratus, and tomorrow go back, after paying the tax. But I must first count these all over, one by one. Got a basket ? Then spread out your dress. *(Charisius' slave, Onesimus, enters.)*

### SCENE 3. SYRISCUS AND ONESIMUS

*Ones. (to himself).* No one ever saw a slower cook. By this time yesterday they had been drinking a long while.

*Syr. (not seeing Onesimus).* This seems to be a sort of a rooster—mighty tough! *(To his wife)* Take it. —This is an affair set with stones. —This is an ax.

*Ones.* What's here ?

*Syr.* This is a gold-plated ring—only iron inside. The engraving is—a

bull—or a goat. I can't make out. Cleostratus is the man who made it; so the inscription says.

*Ones.* Here! Show me that.

*Syr.* Hey! Who are you?

*Ones.* The very one!

*Syr.* What one? Who?

*Ones.* The ring.

*Syr.* What ring? I don't understand.

*Ones.* Of my master, Charisius.

*Syr.* You're daffy!

*Ones.* The one he lost. (*Snatches the ring.*)

*Syr.* Give up that ring, you wretch.

*Ones.* Give up *our* ring to you? Where did you get it?

*Syr.* Apollo and the gods! An awful act of villainy! That's what you get for saving the property of an orphan. The first who comes up looks to grab it. Give up that ring, I say. Are you trying to play with me?

*Ones.* By Apollo and the gods! It's my master's.

*Syr.* May I have my throat cut before I'll give in a bit to him! It's settled. I'll go to court with them all, one by one. It's the baby's, not mine. (*Turns his attention to the tokens.*) This is a necklace. (*To his wife*) Take it, you.—A piece of crimson cloth. On in with them. (*Exit Syrisus' wife; to Onesimus*) You! What have you to say to me?

*Ones.* I? This belongs to Charisius. He lost it, I told you, when he was drunk.

*Syr.* I am Chaerestratus' domestic. Either guard this safely or give it to me.

*Ones.* Bah! I have it safe. I want to keep it myself.

*Syr.* Oh, I don't care. We are both on the way to the same goal, I suppose.

*Ones.* Just now the guests are coming for dinner, and it's not a good time to talk with him about these matters. Tomorrow.

*Syr.* I'll wait right here. Tomorrow. I'm ready, let me tell you, to arbitrate with any one you wish. (*Exit Onesimus.*) I haven't come off so badly after all. One must neglect everything, it seems, and get into lawsuits. Nowadays that's the only way to save anything.

—XOPOY—